

**MISSOURI COURT OF APPEALS
WESTERN DISTRICT**

ANTHONY MELKOWSKI

APPELLANT,

**v.
THE BOARD OF POLICE
COMMISSIONERS OF KANSAS
CITY, MISSOURI, ET AL.**

RESPONDENTS.

DOCKET NUMBER WD77668

DATE: March 10, 2015

Appeal From:

Clay County Circuit Court
The Honorable Janet L. Sutton, Judge

Appellate Judges:

Division One: Cynthia L. Martin, Presiding Judge, Mark D. Pfeiffer, Judge and Gary D. Witt, Judge

Attorneys:

Morgan L. Roach, Kansas City, MO, for appellant.

James F. Ralls, Liberty, MO, for respondents.

MISSOURI APPELLATE COURT OPINION SUMMARY

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APPELLANT,

v.

**THE BOARD OF POLICE
COMMISSIONERS OF KANSAS
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RESPONDENTS.

No. WD77668

Clay County

Before Division One: Cynthia L. Martin, Presiding Judge, Mark D. Pfeiffer, Judge and Gary D. Witt, Judge

Anthony Melkowski seeks judicial review of the Kansas City Board of Police Commissioners' decision to terminate his employment with the Kansas City Police Department because he violated personnel policies addressing the use of profanity, the use of force, and repeated discipline. Melkowski argues that the Board erred in terminating his employment because it failed to consider a legal bulletin describing the reasonable use of force and because it exceeded its jurisdiction by terminating him in reliance on a personnel policy that was not identified in the initial charges against him.

Affirmed.

Division One holds:

The Board did not err in terminating Melkowski's employment because it expressly considered the legal bulletin describing the use of force and concluded that his conduct did not comport with the reasonable use of force described in the legal bulletin. The Board also did not exceed its jurisdiction because even though it referenced a policy not included in the charges against Melkowski, the Board's decision to terminate Melkowski was plainly based only on the personnel policies outlined in the charges against him. Melkowski additionally failed to challenge each factual finding on which the Board decided to terminate him. Because the Board considered the legal bulletin, the Board did not exceed its jurisdiction, and Melkowski did not challenge on appeal all bases for termination identified in the Board's written decision, we affirm.

Opinion by Cynthia L. Martin, Judge

March 10, 2015

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